

Noise Ordinance Task Force Meeting

Date: 7/13/2021

Time: 2 pm - 4:03 pm

Location: WebEx

Meeting Facilitator: Michael Uresti Development Services Manager

Minutes:

Uresti: Introduction

Intro to new link online showed website live

(<https://www.sanantonio.gov/DSD/Resources/Codes#176644292-noise-ordinance>)

Explained different features on website

Savita: Any documents that are not open records information should not be placed on the City's website, but can be shared with task force members for discussion

Uresti: Presented information on what CCR (City Council Consideration Request) is about.

Amin: CCR written to help businesses to come up with a solution that's what we need to talk about (staying within the confines of the CCR)

Uresti: Chapter 21 - no definition at this time for Amplified – looking into one.

Savita: Identified several areas/issues that require legal review and can be answered by legal instead of going line by line.

Savita: Gave info on context of the CCR to stay on topic of commercial noise

Savita: Will represent ordinance in court once updated and approved

Felix: Will prosecute the criminal cases for noise ordinance

Savita: Explained history created 2001 not reflective of our current time

2006 code was part of NHSD at time code had abatement officers certified peace officers in charge of noise, it is noted that this why council moved them to law enforcement-police to enforce. The noise ordinance was written with the intent of peace officer enforce it. If changed to code would be policy change, negatives for code, alcohol, at night, abusive people, cannot demand id from persons.

Task Force suggestions:

1. Plainly audible standard-major cities don't use it to subjective in Texas courts. Overbroad, vague. Use reasonable person standard (jury or judge judgement) used for nuisance and police.

Need a general standard that can hold up in court. Legal recommend avoiding this and to use use nuisance that has a lot of case law. General nuisance 21.52

Felix: agrees with reasonable person direction with the use of witnesses

Blaine tucker: codify nuisance standard against a particular establishment could use witnesses that are affected? Savita: Yes we use civilians information for those being affected.

Blaine: does it have to be a specific or can it be a general area? Savita: it has to be a specific as per chapter 54

Gemma: how many cases for noise- Savita 22-24 cases a year generally

Mike Shannon: informed on scope and main issue-but the 90 day time frame-but will give council the other issues discussed by task force with a request to council- wants to hit the 90 day window.

Anisa: what are the task force concerns can it be done; Savita was discussed at 1st 2 meetings

M. Uresti- we can stay on track with legal-Patricia second agreed

M. Uresti: we take 5-10 minutes of highlights from Savita

Savita: simplify the language, discuss a different standard, focus on bar restaurants hours, events-amplification-establish from definition adjacent prop to distance requirements from commercial to residential-possibility for permitting process-look at best practices across the state Houston, Dallas Austin-enforcement action by SAPD-repeat offenders

2. Eliminate zoning to residential and none residential

Savita-concern so many different types of residential noise construction noise? Different from a bar or restaurant hesitant to remove-impact of change to the udc if changed,

Patricia-entertainment zones more police officers if we take language would affect man power and standards already pushed forward

Sam-misunderstanding if you cant eliminate a zone but giving a different standard they are given more latitude.

Gemma-entertainment high decibels next to residential

Sam-if adjacent they don't get a pass held to same standard

John b- agrees with Sam

Savita- we can look at it if legally feasible

3. Changing hours of amplified music or sound

Savita no legal impediments with that

Amplified sound is feasible

4. Discussion of possible permitting process for amplified sound Houston Dallas Austin have it

Savita- given annually if they have a certain amount of violations- goes to director and permit can be suspended or revoked for a time period before they can apply the following year

Residences can pull permit for back yard band but must follow rules

We can review

M. Uresti- task force wants definition for amplified sound

Gemma- does neighborhood have say of permits for amplified noise-

M. Uresti - gave info on permit agreements

5. Enforcement- Currently SAPD

6. Expansion from Riverwalk to corridors identified

Savita-something we can look at we were able based on the nature of the Riverwalk and amount of people that visit. Will need to look at the corridors

Task force items:

M. Uresti -changing of hours option 1 or 2, split between options 1 and 2 which were to adjust current times.

Director change-: option 1-2-with more specific language to name the department overseeing it.

Legal to do research

Night time hours – task force wants to adjust hours.

Task force reminders-: can speak about task force, cannot get together and make decisions on task force matters outside of these meetings, but can be discussed in public forum.

Task force questions: will document be shared with task force members. Need to review with legal to take necessary steps for posting.

Anisa-how do they share information with the community if the task force cannot share?

M. Uresti: Public transparency is important; we don't want to violate anything

Legal: an oral narrative is perfectly fine

Public comments?

Bianca Maldonado-comments by legal are concerning-transparency to public-not fair to task force to burden to represent every individual in city- public input is important-enforcement biggest struggle-lost trust cause of focus-how does SAPD enforce it. Stated SAPD rolls up, drops window, don't hear noise, no contact made, no enforcement. How do you build that trust-promote the task force to ensure good info is being given by SAPD.

Samantha Wickwire: would like other info from other task force committee Goodnight Construction Site

M. Uresti: next meeting will be in person every 2 weeks at 1901 S Alamo 2pm to 4pm

M. Uresti asked if any task force members have issues with live meeting

John and GEMMA would like zoom option for some

Sam: web ex but good with majority will likes virtual

Savita: remote meetings due to positivity rate going up for COVID 19

Anisa Schell: wants meetings posted, time and location

Mike Shannon-prefers in person meeting to help discussion progress on task force.

John: in person